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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,841	07/06/2001	Filippo Montanari	34907/GM/IP	8985

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Modiano & Associati
Via Meravigli 16
Milano, 20123
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EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,841

Applicant(s)

MONTANARI, FILIPPO

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-75 is/are allowed.
- 6) ☒ Claim(s) 20-22 and 34 is/are rejected.
- 7) ☒ Claim(s) 20-21, 23-33 and 35-38, 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the raised peripheral of shower tray with respect to lower peripheral rim of the enclosure has a height from the ground which is greater than a distance from the ground of the lower peripheral rim of the enclosure** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 20-21, 35, 54 objected to because of the following in formalities: Claim 20, line 1, 6, claim 35, line 3, and claim 54, line 3, phrase “enclosure (or door)” is not clear that applicant is claiming a door or enclosure. Applicant in each claim referring to a door as an “enclosure or door”, “enclosure” or “door” Examiner is suggested applicant uses word “**door**” throughout the claims instead of phrases such as “enclosure or door” or “enclosure” in order to clarify this problem. **Claim 21**, line 4, phrase “it is possible to arrange”, is vague and unclear statement in regard to arrange the laterally two glazing. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,852,837 Husting in view of US patent NO. 6,023,889 Husting et al.

In regard to claim 20: Husting discloses the claimed invention Fig.1, a shower apparatus 10 having door 31, shower tray (pan) 14 are mutually disconnected, Fig.3, a free space defined between the lower edge of the enclosure 31 and shower tray 14, the enclosure 31 is located at the perimeter of the shower tray suspended from the shower tray, Husting does not disclose enclosure having adjustable connection to the walls. Husting teaches Fig. 2, column 2, line 62-67, shower enclosure 12 including shower door having adjustable wall jamb 10 for connecting post to the wall 16, 19. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the shower enclosure with adjustable connection jamb in order to connect the shower door to the wall structure and create a cubicle for shower enclosure.

In regard to claim 21: Husting discloses the claimed invention Fig. 1, the shower apparatus 10 having a arc shaped door 31 which convexity facing outward and having two rectangular flat panel 18 and 20 adjacent to the walls 11 and 12.

In regard to claim 22: Husting discloses the claimed invention Fig. 1, shower enclosure 10 having a opening adapted to receive a door which shaped like a circular arc couple to frame, Husting does not disclose having a door coupled to frame by vertical hinge along the same axis of the frame. Husting teaches Fig.1, column 2, line 57-61, curved door attached to the post 23 by the hinges 31 and 32 along vertical axis of the post 23. . It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the hinges along the post in order to connect the door to the post to have a door with pivotable movement.

In regard to claim 34: Husting discloses the claimed invention except having a shower tray rested on ground below the enclosure and space from a lower peripheral rim thereof having a peripheral rim which is raised with respect to an internal usable surface. Husting teaches Fig. 1, the shower enclosure having a tray 34 which rest below the peripheral P (see attachment) of the rim A (see attachment) and has a peripheral rim D (see attachment) which is raised with

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respect to the internal usable surface C. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the shower enclosure with tray having a raised rim which seats below the door and peripheral of the rim in order to prevent water going outside of shower enclosure.

Allowable Subject Matter

Claims **23-33**, stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as set forth in pervious office action.

Claims **35-38** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as set forth in pervious office action.

The prior art fail to provided the following applicant's claim invention of Claim **35-36**, **the raised peripheral rim of the shower tray curved upward in transverse section having increasing in height in the part below the door, claims 37-38, the inside the peripheral rim of the shower tray having a water collection channel which is located below the peripheral rim of the enclosure.**

Claims 39-75 allowed.

The prior art fail to provided the following applicant's claim invention Claims **39-57**, having a **adjustable means with L-shaped** and a rigidity couple to the frame with first connection of screw for detachable connection of the post and the walls and second adjustment screw for the adjustable connection of the mutual position of the frame and the post. Claims **58-75**, having a **collection channel extend along the perimeter of the shower tray which located below the lower edge of the enclosure and adjacent to the upper edge of the shower tray.**

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Response to Arguments


Applicant's arguments with respect to claims 20-22 and 35-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9306. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na 

February 10, 2004


Carl D. Friedman
Supervisory Patent Examiner
Group 3600